

AMENDMENT UNDER 37 C.F.R. §1.111
U.S. APPLN. NO. 10/820,789

DOCKET NO. A8723

AMENDMENTS TO THE DRAWINGS

Please replace the sheet of drawings including Figs. 7 and 8 with the attached replacement sheet including Fig. 7 and amended Fig. 8.

Attachment: One (1) Replacement Sheet

REMARKS

Claims 1-4, 7, 11-13, 15-20, 22-24, 26-34 and 36-39 are all the claims pending in the application. Claims 5, 6, 8-10, 14, 21, 25, 35 and 40 have been canceled without prejudice or disclaimer.

Drawing Objections

The Examiner objects to the drawings as not showing every feature of the claimed invention. Particularly, the Examiner asserts that the drawings do not show the features of claims 15, 19-21, 24, 25, 29, 30, 36, 39 and 40.

Claims 21, 25, 36 and 40 have been canceled. Claim 15 has been amended in a manner believed to overcome the objection with regard to the subject matter of that claim. With regard to the Examiner's assertion that the figures do not show a cover which a hinge as recited in claims 24 and 39, Applicant submits that Fig. 1 clearly shows a cover 10 with a hinge 16. Finally, Fig. 8 has been amended in a manner believed to overcome the objection with regard to the subject matter of claims 19, 20, 29 and 30. In view of the above, Applicant respectfully requests that the Examiner withdraw the objection to the drawings.

Claim Rejections - 35 U.S.C. §112, first paragraph

Claims 15, 19, 20, 29 and 30 stand rejected under 35 U.S.C. §112, first paragraph as failing to comply with the enablement requirement. Applicant respectfully traverses this rejection.

Claim 15 has been amended in a manner believed to overcome the rejection.

With regard to claims 19, 20, 29 and 30, Applicant submits that one skilled in the art would be enabled to make or use the invention as set forth in each of these claims. The descrip-

tion of the specification of different orientations or 90 degrees is also readily understood by one skilled in the art. One skilled in the art would understand that a layer may have an orientation. Certainly, the present application recites different layers having different orientations. Accordingly, one skilled in the art could make and use the claimed invention without undue experimentation. Therefore, Applicant submits that these claims are enabled and respectfully requests that the Examiner withdraw the rejection.

Claim Rejections - 35 U.S.C. §112, second paragraph

Claim 25 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Applicant has canceled this claim, rendering its rejection moot.

Claim Rejections - 35 U.S.C. §102

Claims 1, 2, 4-9, 11-13, 16-18, 22-24, 31, 32, 34, 35 and 37-39 stand rejected under 35 U.S.C. §102(b) as being anticipated by Pucci et al. (U.S. Patent No. 5,974,600). Claims 5, 6, 8, 9 and 35 have been canceled, rendering their rejection moot. Applicant respectfully traverses the rejection of the remaining claims.

Claim 1 recites a gasket that is a solid material without a hollow space and wherein the cross-section of the gasket includes a thicker portion at an inner edge of the gasket and a thinner portion at an outer edge of the gasket. For example, the non-limiting embodiment of Fig. 5 shows a gasket 20 with an inner edge 20a which is thicker than an outer edge 20b. The specification teaches that such a configuration provides an improved seal (*see* paragraph [34] of the specification). The Pucci flat gasket 74 has a substantially constant thickness, and therefore does not have the thicknesses as recited in claim 1. Accordingly, Applicant submits that claim 1 and claims 2, 4, 7, 11-13, 16-18, 22-24, which depend from claim 1, are allowable over Pucci.

Furthermore, several of the other claims are allowable at least for additional reasons. For example, claim 16 recites a cover material which includes a plurality of laminated, diverse waterproof layers. The Examiner asserts that Pucci elements 36, 38 constitute a cover and the cover includes diverse waterproof layers as claimed because a waterproof silicon (*see* Office Action at page 6). However, there is no evidence that Pucci elements 36, 38 are laminated with the waterproof silicon. Therefore, claim 16 is allowable at least for this additional reason. Also, with regard to claim 18, the Examiner asserts that the cover material is a multi-layer PVDC resin. However, Pucci does not appear to mention a PVDC resin at all, and particularly does not disclose that the alleged cover is made of a multi-layer PVDC resin. Accordingly, claim 18 is allowable at least for this additional reason.

Claim 31 is allowable over Pucci at least for some reasons similar to claim 1. Also, claims 32, 34 and 37-39 depend from claim 31 and are therefore allowable at least because of their dependency.

Claim Rejections - 35 U.S.C. §103 - Pucci

Claims 3, 10 and 33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Pucci. Claim 10 has been canceled, rendering its rejection moot. Claim 3 depends from claim 1 and claim 33 depends from claim 31. Even if it were appropriate to modify Pucci as suggested by the Examiner the modification would not correct the above noted deficiencies of Pucci with regard to independent claims 1 and 31. Accordingly, claims 3 and 33 are allowable at least by virtue of their respective dependencies.

Claim Rejections - 35 U.S.C. §103 - Hansen

Claims 1, 14-21, 25-31, 36-38 and 40 stand rejected as being unpatentable over Hansen et al. (U.S. Patent No. 5,970,530). Claims 14, 21, 25 and 40 have Applicant respectfully traverses this rejection.

As discussed above, claim 1 recites a gasket that is a solid material without a hollow space and wherein the cross-section of the gasket includes a thicker portion at an inner edge of the gasket and a thinner portion at an outer edge of the gasket. Even if, for the sake of argument alone, the fold back of element 40 in Hansen could be used as a gasket, it clearly includes a hollow space (*see*, for example, Hansen Fig. 4). Accordingly, even if the Hansen fold back of element 40 could be considered a gasket, it would be deficient with respect to the claimed gasket and claim 1 would still be allowable over Hansen. Claim 31 is allowable over Hansen at least for similar reasons as claim 1. Claims 15-20 depend from claim 1 and claims 36-38 depend from claim 31. Therefore, claims 15-20 and 36-38 are allowable at least by virtue of their respective dependencies.

Furthermore, at least some of the dependent claims are allowable for additional reasons. For example, with regard to claims 16 and 17, the Examiner asserts that it would have been obvious to laminate materials 20, 22 and 40. However, one of ordinary skill in the art would not have been motivated to laminate these materials as suggested by the Examiner. Element 40 is a decorative top sheet. Hansen teaches that the top sheet 40 allows for quick and easy assembly of the cover (*see* column 5, lines 37-39). Laminating the top sheet would not allow for stretching and assembly as desired by Hansen (*see* column 5, lines 40-60). Also, it is not likely that the sheet 40 could be folded back to create a loop if it were laminated to the other parts as suggested

by the Examiner. Accordingly, claims 16, 17, 19 and 20 are further allowable at least because it would not have been obvious to laminate the alleged cover layers in Hansen.

Additionally, with regard to claims 19 and 20, the Examiner asserts that Fig. 1 of Hansen shows the laminated layers having different orientations. However, Fig. 1 does not show laminated layers at all. As is clearly seen in Figs. 2-4, the layers 20 and 22 are designed to be separated from one another during construction. In fact, in Fig. 1, the layers 20, 22 are not even yet part of a cover and, thus, their position in Fig. 1 is inapplicable to the claimed invention. Furthermore, since the layers 20, 22 are not laminated layers, Fig. 1 cannot show laminated layers with different orientations. Finally, the markings relied upon by the Examiner would not indicate that the layers 20, 22 are of different orientations as suggested by the Examiner. Therefore, claims 19 and 20 are allowable at least for these additional reasons.

Claim 26 recites a cover material which includes a plurality of laminated, diverse waterproof layers. Therefore, it is allowable over Hansen at least for some reasons similar to those given above with respect to claim 16. Claims 27-30 depend from claim 26 and are, therefore, allowable at least because of their dependency.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue that the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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